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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

FSP LLC  
P.O. BOX 890  
VANCOUVER, WA 98666

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**AUG 14 2006**

In re Application of : **OFFICE OF PETITIONS**  
Atherton : DECISION ON PETITION  
Application No. 10/671,051 :  
Filed: September 24, 2003 :  
Atty. Dkt. No.: FSP0035 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely submit a proper reply to the final Office action mailed March 30, 2005. The final Office action set a three (3) month shortened statutory period of time for reply. Notice of Abandonment was mailed November 2, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the final Office action is accepted as having been unintentionally delayed.

This application file is being forwarded to Technology Center 3600 for processing of the RCE submitted herewith.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

  
Alessia M. Brown  
Petitions Attorney  
Office of Petitions